

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON EDUCATION**

**Call to Order:** By **VICE CHAIRMAN BOB LAWSON**, on January 19, 2001  
at 3:00 P.M., in Room 137B Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Gay Ann Masolo, Chairman (R)  
Rep. Kathleen Galvin-Halcro, Vice Chairman (D)  
Rep. Bob Lawson, Vice Chairman (R)  
Rep. Joan Andersen (R)  
Rep. Norma Bixby (D)  
Rep. Gary Branae (D)  
Rep. Nancy Fritz (D)  
Rep. Verdell Jackson (R)  
Rep. Larry Lehman (R)  
Rep. Jeff Mangan (D)  
Rep. Joe McKenney (R)  
Rep. John Musgrove (D)  
Rep. Alan Olson (R)  
Rep. Ken Peterson (R)  
Rep. Butch Waddill (R)  
Rep. Allan Walters (R)  
Rep. Merlin Wolery (R)

**Members Excused:** None

**Members Absent:** Rep. Hal Jacobson (D)

**Staff Present:** Connie Erickson, Legislative Branch  
Nina Roatch, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 249, 1/15/2001; HB 265,  
1/15/2001  
Executive Action: HB 249

**HEARING ON HB 249**

**Sponsor:** REPRESENTATIVE JESSE LASLOVICH, HD 57, Anaconda

**Proponents:** Loran Frasier, SAM  
Betty Brumwell, MASBO  
Lynda Brannon, MASBO  
Bob Vogel, MSB

**Opponents:** None

**Opening Statement by Sponsor:**

**REPRESENTATIVE LASLOVICH, HD 57, Anaconda,** said, the bill changes the language of the final budget meeting, which the law says is "the second Monday in August" to "on or before August 15." This will give the local school boards local flexibility in setting their own time and date for when they want to hear their final budget. Many taxpayers expect their board to meet on their regular meeting time. This allows the local board to hold their final budget reading at a regularly scheduled board meeting.

**Loran Frasier, SAM,** said this was one of their delegate assembly resolutions. This bill is not going to do any harm to the present process and it might expand the attendance at the final budget meeting. It is long overdue that the bill is brought forward. Basically the bill gives some flexibility to the local board of trustees to advertise when they are having their final budget meeting. Notice that there is a window in the bill of when they can advertise. The bill expands that a bit and there are some reasons for that. It would give the trustees a better chance and longer times to inform the public that they are having their final budget meeting.

**Bob Vogel, MSBA,** said in the nine years he served on the Helena School Board, they met the second Tuesday of the month. There was always severe confusion about the one meeting of the year when they met on the second Monday of the month in August. They even had some confusion with some board members as they were use to meeting on a different date. This allows the community to eliminate the confusion on meetings.

**Betty Brumwell, MASBO,** said her organization is in favor of the bill and it eliminates problems for county superintendents that have more than one budget meeting to attend. The bill would allow greater flexibility and more district input.

**Bill Cooper, OPI**, said, his organization rises in support of the bill.

**Opponents Testimony:** None

**Questions from Committee Members and Responses:**

**REPRESENTATIVE WADDILL** asked the **SPONSOR** if on page 1, line 12, changing the notice time from between July 24 and August 4, which is about 10 days, to between July 1 and August 4, which is about 34 days, might be giving the public too long a period to keep track of the meeting. People might have a chance to overlook the meeting because of the long notice time. He has had constituents say they miss meetings when there is too much time between the meeting and the notice. The **SPONSOR** said, this will allow the local school board to have its budget meeting on its regular meeting date. The bill puts a broad enough time frame in law to allow the district to do this. He referred to **Loran Frasier**, who drafted the bill. **Mr. Frasier** said, the reason for the extension of time is that when school trustees have sent out their notices, they go to public entities that are interested in knowing the date. That would give the board a chance to advertise the meeting for two weeks ahead of time instead of the narrow gap that exists. He would assume that most boards would put an advertisement in the newspaper near the end of the time, before the meeting.

**REPRESENTATIVE OLSON** said to **Mr. Frasier**, the Roundup School Board advertised their budget meeting for three weeks in advance of the meeting. Do other schools do this? **Mr. Frasier** said, some of the districts do. One should notice in this bill it does not deter the board from opening the meeting when they open it and continuing it until the 4<sup>th</sup> Monday in August. That is there for a purpose. When they draft the budget, some districts can meet with their county treasure and they can get the revenue that is left over, the expenditures, etc., done in a hurry. If the county is large, it may still be struggling at the end of August trying to get the best estimates to put into its final budget.

**Closing by the Sponsor:**

**REPRESENTATIVE LASLOVICH** thanked the committee for letting him present his first bill.

**EXECUTIVE ACTION ON HB 249**

**Motion:** **REPRESENTATIVE MANGAN** moved that **HB 249 DO PASS**.

**Discussion:**

**REPRESENTATIVE ANDERSEN** said, she would feel more comfortable if there wasn't such a wide time frame in the bill. She feels a notice in the paper a week before the meeting is more likely to get people's attention.

**REPRESENTATIVE MANGAN** said, the bill doesn't say anything about the meeting having to start in August, it says before August 15. They can start the meeting in July if they decide to do that. School districts aren't going to play foul and not give much notice. They probably will give the same time they have done in the past, all this bill tells the school board is if it wants to start its budget in July, it can.

**REPRESENTATIVE GALVIN-HALCRO** said she agrees with **REPRESENTATIVE MANGAN**.

**REPRESENTATIVE WADDILL** said, he still has concern about someone who misses the one notice. This has happened. If it could be changed to include multiple notices it would be more responsible to the voters.

**REPRESENTATIVE WOLERY** said, the bill does not need cleaning up. If people are interested in the budget, they are going to follow up on the meeting date.

**REPRESENTATIVE PETERSON** said, a legal publication, under the rules of civil procedure, requires three publications in order to be legally valid. He didn't know if that applied to what was being discussed.

**REPRESENTATIVE LEHMAN** said, the way the notice of final budget meeting is written, it does not preclude putting ads in newspapers prior to July 1. If the board is going to meet on July 7, for their budget meeting, the ad that would notify the public could be in the paper prior to July 1.

**REPRESENTATIVE GALVIN-HALCRO** said, she wanted to bring to the attention of the committee the hundreds of dollars that can be spent on ads. Ads can become a burden for school districts, if asked to run them numerous times.

**REPRESENTATIVE MASOLO** said many newspapers will do a news article and it would be informative to the public and not costly.

**REPRESENTATIVE OLSON** said, when the budgets are set there is no voting by the public at that time. The board sits down and approves the budget. The money has already been appropriated through a mil levy voted on earlier. Levies are set and voted on in May. Then the board has its budget meeting. At that time the

community can comment on the budget. The voting on the authority to spend money has already been done.

**REPRESENTATIVE MANGAN** said he thinks the legislature is doing a good job in dealing with local situations and giving local control. Local control is important. Local governments need to be trusted to do what the legislature gives them in local control. It must be trusted that local boards will give adequate notice for meetings.

**Motion/Vote:** REP. MANGAN moved that **HB 249 DO PASS. Motion carried 17-1 REPRESENTATIVE WADDILL** voting no. Voice vote.

#### **HEARING ON HB 265**

**Sponsor:** REPRESENTATIVE TOM FACEY, HD 67, Missoula

**Proponents:** Cindy Knutsen, Missoula

Eric Feaver, MEA-MFT, Helena

Tricia Leasure, Parent, Helena

Caitie Silvers, Student, Helena

Kirsten Aasen, Student, Helena

Dustin Stewart, ASMSU/College of Great Falls, Helena

Martha Kohl, Parent, Helena

Gary Elliott, Parent, Stevensville

Arlene Parisot, OCHE, Helena

Joyce A. Scott, OCHE, Helena

**Opponents:** None

**Informational:** Stefani Gray Hicsida, FVCC, Kalispell/Libby

**Opening Statement by Sponsor:**

**REPRESENTATIVE TOM FACEY, HB 67, Missoula** said he brought this bill to the committee for a family living in Helena. Our schools today are right next to the edge financially. Because of tight money, our public schools are afraid to go out and try something different or innovative. The purpose of **HB 265** is to encourage our school districts to work cooperatively with our vo-tech schools and junior colleges around the state. The underlying philosophies of this bill is that a junior or senior in high school may enroll in courses in vo-tech or college and receive both high school and college credit for the course. The tuition for the course would be paid for by the high school district from their ANB. If you look at line 14, you will see it says, "a school district may enter into an inter-local cooperative agreement . . . with a college of technology." I want to

emphasize that this is not a mandated situation. The decision is up to the local high school. We may need to clean up some of the wording. Please note that a student cannot go to a vo-tech school and take a course offered in his high school. We are trying to take care of needs not met at the local high school but can be met at the vo-tech. There are some amendments to be offered. One is to take out the dollar amounts in Section 1. Since costs change, the numbers should be taken out and some kind of statement put in that says the school district will pay the tuition. Line 26 of page one talks about a standardized test. Realizing that we already have SAT and ACT tests, we will change the test to include tests we already have in our school. On 28 and 29 it says that five college credits are equal to one high school credit. That is something we might want the high school and college of technology to work out for themselves. On page 2, of the bill, notice it says we do not want high students displacing adult students attending the college. We do not want to place a burden on the college, such that they might have to add additional classes or faculty. The bill does not cover any cost other than tuition. The student is responsible for transportation, books and supplies. This program is currently in place at Flathead Community College. We wish to amend the bill to include community colleges.

**Proponents' Testimony:**

**Beth Sirr, Parent,** submitted written testimony.

**EXHIBIT**(edh15a01)

**Alicia J. Stickney, Parent,** submitted written testimony.

**EXHIBIT**(edh15a02)

**Dustin Stewart, ASMSU/College of Great Falls,** said a student participating in the purposed program would gain confidence by knowing what is expected in a college class. The two high schools in Great Falls are already allowing their students to participate in such a program.

**Martha Kohl, Parent, Helena,** said, while allowing students to earn high school and college credits simultaneously, it will reduce the amount of time they have to spend in college and hopefully reduce college costs. She said that she would like the bill amended to include just the entire university system.

**Arlene Parisot, OCHE,** said this is a way we can improve access for students. It is an effective use of resources. It is cost effective for parents and students. The exposure to the higher education system for these students at a time when they are

making career decisions, is equally important. She said that tribal colleges should also be on the list to participate.

**Stefani Hicskk, Flathead Valley Community College, Kalispell,** said, she was present to support the bill. The college she represents is currently running a program similar to what is being discussed. All the high schools in Flathead and Lincoln counties have signed on for the dual credit program. It is successful. Students are earning up to a year's worth of credits. The college has not had behavioral problems with high school students who are attending the college.

**Rick Gray, HCT, Helena,** said, he supports the bill and its proposed amendments. His school has done what is purposed with the Helena School District. The district bought a course from his college and then if the student wanted college credit, he paid an extra fee. This program helps the student make a smoother transition from high school to college.

**Joyce A. Scott, Deputy Commissioner, OCHE,** said her organization supports the bill. This approach makes academically good sense for students who are ready to move on in areas of strength or interest. She would recommend that one credit in high school equal three college semester credits. That is a standard already being used in such programs. They recommend a revision in the language about refunds; that it be done according to the published institutional refund policy which is out there for the students and the districts to see. It gives time lines that are followed.

She felt that the tribal colleges should be included in the program also.

**Eric Feaver, MEA-MFT,** said his organization supports the bill as amended. They would not support it without the amendments.

**Opponents' Testimony:** None

**Informational Testimony:**

**Bill Cooper, OPI,** said, he was very familiar with the program in the Flathead Valley and knows it to be a good program. He was the superintendent in Kalispell when that program was initiated. He could not remember the financial arrangements that were made. As the amendments are being worked on, it will be important to stipulate that the student is enrolled in a specific school district and it would be best to stay away from the "tuition" concept, think more in terms of the district and the college sitting down and working out a fee arrangement or some kind of financial arrangement. There may be some unintended consequences

if we start dealing with the word tuition. The bill was originally written talking about the colleges of technology and I think there was the assumption it would be restricted to vocational only classes. The discussion today has moved beyond that concept.

**Questions from Committee Members and Responses:**

**REPRESENTATIVE ANDERSEN** questioned **Mr. Cooper**. She referred to page 2, lines 2 and 3 discussing the student's responsibilities for transportation, books, etc., and asked how that lines up with government's duty to provide a free education? **Mr. Cooper** said, he really doesn't know. **REPRESENTATIVE PETERSON** read from the Montana Codes: It says "the legislature shall provide a basic system of free quality public elementary and secondary schools." It doesn't say anything beyond that. **REPRESENTATIVE ANDERSEN** said the students are going to be receiving high school credits in this program. How does that work into what **REPRESENTATIVE PETERSON** just read? **REPRESENTATIVE PETERSON** said there might be an Attorney General's opinion somewhere on the subject. He said, he doubted there were any court rulings on it.

**REPRESENTATIVE BRANAE** asked a question of the **SPONSOR**. There is a similar program to this in Billings. Many students have participated. In Billings, the cost is totally the student's responsibility. It is justified by the fact the student is getting college credit in a college course. The student is still saving money as he has not left home. It is true that the colleges quite often give scholarships. The college feels that if they get the student in the door, he might come to it after high school graduation. He asked the **SPONSOR** to expand on the cost idea. The **SPONSOR** said, the bill will add some uniformity from place to place. He was surprised so many schools are already using this principle. This would be an option to the local district. High school ANB is \$4,500 per student. High school students take six classes. So, \$4,500 divided by six is \$750. When he looks at the bill, the cost for three credits is about \$300. The high school is getting \$750 per credit and they are paying out \$300, it looks like a win-win situation. The bill might give the parents some leverage where this type of program is not functioning.

**REPRESENTATIVE MANGAN** had a question for the **SPONSOR**. His first thought was that the University System should be included. That has been discussed. Most of the schools in the University System have the tele-learning which reaches numerous small towns across the state. Since this bill needs amending, **{Tape: 1; Side : B}** could it be expanded to include other communities without accessible colleges? The **SPONSOR** said he does not have any



limits as to where we go with this as long as it is in state. He would expect the committee's support on the floor of the house.

**REPRESENTATIVE MANGAN** asked if **Greg Petesch** reviewed the bill? Would it work as I suggested, in small towns? The **SPONSOR** said, **Greg Petesch** had and saw no problems and he saw no reason why it would not work as **REPRESENTATIVE MANGAN** suggested.

**REPRESENTATIVE MANGAN** had a question for **Dr. Scott**. Are the suggested ideas something your office would endorse or look at?

**Dr. Clark** said she believes they are doable and they would support it actively where there are video or electronic forces that have made it financially successful with a sufficient enrollment. The only place there might be some prohibition is if the course is set to serve only a certain number of students and those have been fulfilled from the institution's student body.

**REPRESENTATIVE MANGAN** asked, couldn't the reimbursement mechanism be handled in the local agreement, making sure it is included but not necessarily universal? **Dr. Scott** said, she was trying to standardize and make it easy for everyone. The refund policies for the institution are published and it gives students, basically, three weeks to make a decision. She said they are not comfortable with the 100% refund if the student bails out. They want to make it a productive engagement. **REPRESENTATIVE MANGAN** questioned further. He would understand that the school administration would be working side by side with the student as there are high school credits at stake also. It might work without being specified. **Dr. Scott** said, that it could be stipulated, that a refund policy could be developed between the parties to the agreement.

**REPRESENTATIVE MANGAN** had a question for **Mr. Feaver**. Do you see any constitutional problems with this bill as described, not necessarily as written? **Mr. Feaver** said, no I do not.

The **CHAIR** requested **Mr. Feaver**. She sees a problem in the fact that there are too many rural areas that would not be able to take advantage of such a program. If the state participates in the funding, some way, she believes it would have an effect on the equalization mandate. **Mr. Feaver** said, that is not what the court ruled. The court ruled on the expenditure per pupil. We don't have equity of programs in the state now.

**REPRESENTATIVE WOLERY** questioned **Mr. Cooper**. School districts are already strapped. He has a problem making the high school pay the tuition. If a student lives near a college and decides to take the afternoons off and go to college, is his school going to lose to ANB funding? **Mr. Cooper** responded. The situation that was described will not cost the district any ANB funds. Currently the school district can allow a student to go off

campus to take courses at their own expense and the district does not lose funds.

**REPRESENTATIVE OLSON** had a question for **REPRESENTATIVE FACEY**.

The program has grown through our discussion. What would happen if the student chose a private college? **REPRESENTATIVE FACEY** said, he did not have the answer. After some research, he said, under Article 10 of the constitution, it would be unconstitutional. He acknowledges it is being done now.

**REPRESENTATIVE OLSON** questioned **Dr. Scott**. If a student takes credits from a college of technology, knowing the district is paying for it, will the credits all transfer to any member of the university system in the state? **Dr. Scott** said, the credits a student would take would be posted on a regular transcript. It would be possible that a student might take a course from a college of technology applied certificate program that would not transfer into the Bachelor of Arts. The only limitation on these credits earned through this method would be that kind of situation where the student is enrolled in a program that is purely vocational and the credits do not apply to the Liberal Arts Bachelor's degree. There are those limitations that do exist. The student should be advised about the situation potential at the time he signs up for the class. **REPRESENTATIVE OLSON** asked, if a student takes a course in biology in the nursing program at the Billings Technology College would that credit transfer to the nursing program at Havre? **Dr. Scott** said, she had learned today that there are courses that do not transfer, but they are looking into upgrading the situation. With the same limitations mentioned before, the answer is yes.

**REPRESENTATIVE JACKSON** had a question for **Mr. Cooper**. What if a student graduated in 3 ½ years, would that affect the ANB for the district? **Mr. Cooper** said, currently schools have an early graduation provision. In schools with this program it does not adversely affect their ANB.

**REPRESENTATIVE JACKSON** questioned the **SPONSOR**. In the past he has observed things happening that one should be concerned about, like eroding the base. In this case, it looks like that would not happen. If a student took a night class at the college and paid his own way, would he also get a high school credit?

**REPRESENTATIVE FACEY** said, if the college and the high school had not entered into an agreement, the student would not. This bill would not permit it. It could be happening now under other agreements between schools and colleges. **REPRESENTATIVE JACKSON** said he didn't see why it couldn't happen under the bill being presented. **REPRESENTATIVE FACEY** said if a student wants to take a course and pay his own fees, this bill doesn't prevent it.

**REPRESENTATIVE FRITZ** said that in Missoula the high school had a policy where they let students travel to a foreign country in the summer and then gave them a semester credit in that foreign language.

**REPRESENTATIVE WADDILL** had a question for **REPRESENTATIVE FACEY**. Doesn't the wording on page 2, line 10, the word, "shall," as it applies to subparagraph 26, line 14, page 4, doesn't that require that the program be adopted? **REPRESENTATIVE FACEY** said the necessary amendment would be written to make it an option, only.

**REPRESENTATIVE BIXBY** had a question for **Dr. Scott**. The university system requires a certain number of credits for graduation. Would the credits earned in this bill count against graduation requirements? **Dr. Scott** said, yes. There still can be a question about the type of credit and the fit in the program.

**REPRESENTATIVE LEHMAN** had a question for **Mr. Cooper**. As he sees it, there are basically already programs in place in the school systems around the state. The difference in them and this bill is that the public school system is not putting any public funding into the present programs. Is that your understanding? **Mr. Cooper** said, he doesn't know of any local agreement where the high school is paying the cost for college credits.

**REPRESENTATIVE LEHMAN** said, what he was thinking about was if a school had 50 students and they all decided to take a class at the cost of a \$400 tuition, wouldn't the \$20,000 cost out of the general fund budget have an effect on costs, maintenance and salaries. **Mr. Cooper** said that is why the bill must be written with the word may, and the bill must cover an optional program. He believes that the district and the college should work out their own program. He does not like the word tuition placed in the bill.

**REPRESENTATIVE LAWSON** had a question for **Mr. Cooper**. You mentioned ANB and ANB collection. Is there any phenomenon in this bill that would allow double dipping? Might the school be reimbursed in ANB and also be reimbursed by the college of higher learning? **Mr. Cooper** said, if the final edition of this bill should come out of this committee, with a do pass recommendation, a piece of it would be to make sure there was no possibility of double dipping. **REPRESENTATIVE LAWSON** then asked, would a second high school, without this program, have to accept the credits earned from a previous high school with this program? **Mr. Cooper** said, a school district currently has the authority to accept or reject credits, unless both schools belong to the Northwest Accrediting and then they have to accept credits from schools accredited by Northwest. The transcript should explain how the

credits were earned, if the student transferred to another school. **REPRESENTATIVE LAWSON** asked how it would work if credits were granted for a class being taught by a non-certified teacher. **Mr. Cooper** said there are five or six or more bills floating around the legislature having to do with ANB. The answer given is always the same. If ANB is to be connected to a program, it must be taught by a certified teacher K-12. A student can be in school long enough to get the ANB and have all his classes taught by a certified teacher and the college class could be looked upon as an additional class. Bills should be looked upon carefully so that we eliminate as many unintended consequences as possible.

**REPRESENTATIVE MASOLO** asked **Mr. Cooper**, are we creating a certain defacto post scholarship program paid for by the local district? **Mr. Cooper** said, it would be his personal opinion that the answer is no. The bill allows a local school district to enter into an agreement that will expand the opportunities of the students.

**Closing by the Sponsor:**

**REPRESENTATIVE FACEY** said, he would like to point out that there are some high schools in our state that are doing this program now. There are many other states that have this program. In Montana we are very tight in terms of our money and hesitant to look at different options. The bill was brought forward to ask local districts to think of different options on how they can provide opportunities for their students. The intent of the bill is to make it an option for the local districts.

**ADJOURNMENT**

Adjournment: 4:00 P.M.

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REP. GAY ANN MASOLO, Chairman

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NINA ROATCH, Secretary

GM/NR

**EXHIBIT** (edh15aad)